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09/774,308	01/31/2001	Outi Aho	442-010043-US(PAR)	2463
7590	01/12/2006		EXAMINER	
Perman & Green 425 Post Road Fairfield, CT 06430-6232			SHAND, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/774,308
Filing Date: January 31, 2001
Appellant(s): AHO, OUTI

Geza C. Ziegler Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/18/2005 appealing from the Office action mailed 4/19/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds Of Rejection To Be Reviewed On Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. 6721805 B1

(9) Grounds Of Rejection

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Bhagwat (U.S. 6721805 B1).

3. Regarding claim 1, the admitted prior art teaches a device for transferring capability information, comprising: means for storing the capability information of the device means for preparing a message for transmission comprising processing according to a specific protocol stack, means for transmitting the message comprising a header part and a payload part (Applicant's Background teaches a mobile station or so-called WAP terminal in capability

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negotiation, implying the means for storing and means for transmitting in this negotiation process),

4. The admitted prior art does not teach the device further comprises means for packing the capability information into the payload part of the message before the message is transferred to the protocol stack wherein the message is transmitted without separate request.

5. Bhagwat teaches (col. 9, line 19 – col. 10, line 15) means for packing (additional information regarding the WAT can be provided by the WAT in the payload, col. 10, lines 11-13) the capability information (supporting power conserving sleep modes, authentication and encryption type, col. 10, lines 13-15) into the payload part of the message before the message is transferred to the protocol stack wherein the message is transmitted without separate request (Bhagwat does not require separate requests before notifying whether it supports power conserving sleep modes, authentication and encryption). It would have been obvious to one of ordinary skill in the art to adapt Bhagwat's concept to the admitted prior art to allow more space for transmitting signaling information at one time.

6. Regarding claims 2 and 8, Bhagwat teaches (fig. 4) the data transmission protocol is WAP.

7. Regarding claims 3 and 9, the admitted prior art teaches the message is arranged for being transmitted to a multimedia messaging service center.

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8. Regarding claims 4 and 10, the admitted prior art teaches (background) the capability information comprises: at least some of the following: information on the hardware of the terminal, information on the software of the terminal, information on the WAP capabilities of a terminal, information on the capabilities of the browser, information on the capabilities of a network, and information on user preferences (page 2, lines 35 – page 3 line 1).
9. Regarding claim 5, the admitted prior art teaches (figure 3) the device is a wireless device.
10. Regarding claim 6, the admitted prior art teaches (background) the device comprises a user interface for changing the capability information.
11. Regarding claim 7, the admitted prior art teaches (background) a method for transferring capability information, which method comprises: storing the capability information of a device on the memory of the device, wherein a message is prepared for processing according to a specific protocol stack, the message comprising a header and a payload, comprising: processing the message comprising the capability information according to a specific protocol stack; and transmitting the message (Applicant's Background teaches a mobile station or so-called WAP terminal in capability negotiation, implying the means for storing and means for transmitting in this negotiation process), .

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12. The admitted prior art does not teach packing the capability information into the payload part of a message before the message is transferred to a protocol stack, and transmitting the message without separate requests.

13. Bhagwat teaches (col. 9, line 19 – col. 10, line 15) means for packing (additional information regarding the WAT can be provided by the WAT in the payload) the capability information (supporting power conserving sleep modes, authentication and encryption type) into the payload part of the message before the message is transferred to the protocol stack wherein the message is transmitted without separate request (Bhagwat does not require separate requests before notifying whether it supports power conserving sleep modes, authentication and encryption). It would have been obvious to one of ordinary skill in the art to adapt Bhagwat's concept to the admitted prior art to allow more space for transmitting signaling information at one time.

14. Regarding claim 11, Bhagwat teaches (fig. 4) transmitting the message over a radio interface to a gateway (68).

15. Regarding claim 12, the admitted prior art teaches (Background) transferring capability information, comprising a terminal and a multimedia messaging service center for implementing a multimedia messaging service between the terminal and the multimedia messaging service center wherein the terminal comprises

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16. The admitted prior art does not teach means for packing the capability information of the terminal into the payload of the message before the message is transferred to the protocol stack used.

17. Bhagwat teaches (col. 9, line 19 – col. 10, line 15) means for packing (additional information regarding the WAT can be provided by the WAT in the payload) the capability information (supporting power conserving sleep modes, authentication and encryption type) into the payload part of the message before the message is transferred to the protocol stack. It would have been obvious to one of ordinary skill in the art to adapt Bhagwat's concept to the admitted prior art to allow more space for transmitting signaling information at one time.

(10) Response to Arguments

In the appeal brief, the applicant states that Bhahwat fails to teach packing of capability information of a mobile terminal into the payload part of the message. In reply Bhahwat discloses in col. 10, lines 11-15, which is included in the above cited and previously cited excerpt, that additional information regarding the WAT (a wireless attachment to the mobile) can be *provided by the WAT in the payload field* (packing into the payload), for example the WAT will notify whether it supports *power conserving sleep modes, authentication and encryption type*, meaning the WAT will notify via the payload whether it is capable of such features (capability information). Applicant also states that the combination of the admitted prior art with the teachings of the reference Bhagwat do not support the prima-facie case of obviousness. According to the above explanation of Bhagwat in its teachings of the WAT providing in the payload field additional information as to whether it supports power conserving sleep modes,

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authentication, and encryption type, which is capability information, the deficiencies of the admitted prior art are taught by Bhagwat therefore supporting the prima-facie case of obviousness.

(11) Evidence Appendix

None

(12) Related Proceedings Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

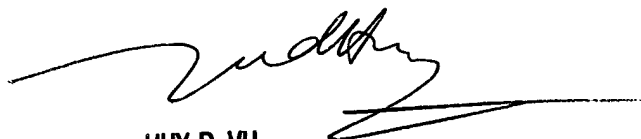
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Roberta A Stevens
Examiner
Art Unit 2665

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